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Date: April 2, 2002

Docket No.: 0230-0148P

Appl. No.: 09/509,945

Conf. No.: 8943

## 04/03/2002 CNGUYEN 00000071 09509945

BOX CPA

Assistant Commissioner for Patents Washington, DC 20231

APR 0 2 2002

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Sir:

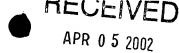
This is a Request for filing a continued prosecution application under 37 C.F.R. § 1.53(d) of prior Application No. 09/509,945 entitled MUTANT BARNASE GENE AND TRANSGENIC PLANT TRANSFORMED BY SAID GENE by the following named Inventor(s):

HAMADA, Kazuyuki; and NAKAKIDO, Fumio

This app	lication	is	filed	by	fewer	than	all	the	inventors
named in									

- **DELETE** the following inventor(s) named in the prior nonprovisional application:
- The inventor(s) to be deleted are set forth on a b. separate sheet attached hereto.

The above-identified prior application, in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all of the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.



## TECH CENTER 1600/2900, 945

1.	Enter the Amendment previously filed , under 37 C.F.R. § 1.116 but unentered, in the prior application.
2	A Decaling

3. An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.

4. 
A new power of attorney or authorization of agent is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 1 and 2 above.

				<del></del>			
				LARGE	ENTITY	SMALL	ENTITY
		BASIC FEE		\$740.00		\$370.00	
,		NUMBER FILED	NUMBER EXTRA	RATE	FEE	RATE	FEE
	TOTAL CLAIMS	30-20=	10	x 18 =	\$180.00	x 9 =	\$0.00
	INDEPENDENT CLAIMS	5-3=	2	x 84 =	\$168.00	x 42 =	\$0.00
		E DEPENDENT PRESENTED		+ \$28	30.00	+ \$140.00	
			TOTAL	\$1,3	68.00	\$0	.00

- 5. Small entity status: Applicant claims small entity status. See 37 C.F.R. § 1.27.
- 6. Priority of Application No(s). filed in on is claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on .
- 7. Priority of International Appl. PCT/JP99/04167 filed on August 3, 1999 under the Patent Cooperation Treaty and Japanese Application No(s). 220060/1998 filed in JAPAN on August 4, 1998 under 35 U.S.C. § 119 are hereby reclaimed.

8.	$\boxtimes$	, Address all future communications to:	RECEIVED
	•	BIRCH, STEWART, KOLASCH & BIRCH, LLP P.O. Box 747 Falls Church, VA 22040-0747	APR 0 5 2002
		Telephone: (703) 205-8000	TECH CENTER 1600/2900
		Customer No. 2292	-108
9.		The applicant(s) hereby petition(s) for an three (3) month(s) pursuant to 37 C.F.R. 1.136(a). The fee has been calculated as s	§§ 1.17 and
	$\boxtimes$	$\underline{\text{NO}}$ extensions of time have been previously the prior application. Thus, a fee of required for the $\underline{\text{full period}}$ of the above extension of time.	\$920.00 is
		An extension of ( ) month(s) was requested and paid for on ir application. Thus, a fee of \$0.00 is requian additional ( ) month(s) is establish co-pendency with the present approximately.	the prior red to obtain in order to
10.		Applicant requests suspension of action un § 1.103(b) for a period of ( ) m exceed 3 months) and the fee of \$130.00 un § 1.17(i) is enclosed.	onths (not to
11.	$\boxtimes$	Check(s) in the amount of \$2,288.00 is/are	enclosed.
12.		Please charge Deposit Account No. 02-2448 of \$0.00. A triplicate copy of this enclosed.	
13.		The filing fee is <u>NOT</u> attached. Please is requesting the filing fee.	ssue a Notice
14.		Also enclosed herewith is the following:	
		·	
			<del></del>

Appl. No. 09/509,945

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all of the other applications in the same file wrapper.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 100 meture Gerald M. Murphy, Jr., #28,977

MaryAnne Armstrong, PhD., #40,069

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GMM/MAA/csm 0230-0148P

Attachments

(Rev. 02/20/02)